

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 06-CR-108

LEON HOLT,

Defendant.

ORDER

On May 9, 2006, the grand jury returned a two count indictment alleging in count one that the defendant, Leon Holt (“Holt”), possessed three firearms after having been previously convicted of a felony, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2), and in count two that Holt possessed with intent to distribute more than fifty grams of crack cocaine in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

On August 10, 2006, this court ordered that all pretrial motions were to be filed by August 30, 2006. On August 31, 2006, substitute counsel for Holt, James E. Toran, filed a motion to suppress on behalf of the defendant. Attorney Toran failed to request that the court excuse his untimely filing or provide any explanation for his tardiness.

Additionally, given the nature of the defendant’s motion, it appears that an evidentiary hearing would be necessary in order to establish the facts upon which the defendant bases his request for relief. In its present form, the challenges raised by the defendant are without evidentiary support. However, nowhere in the motion is there such a request. Even though the motion is

untimely, this court shall permit the defendant until Thursday, September 7, 2006 to file a revised motion to suppress that complies with Criminal Local Rules 12.2 and 12.3. If the defendant fails to comply with this order, the court shall make its recommendation for disposition based upon the present motion.

SO ORDERED.

Dated at Milwaukee, Wisconsin, this 1st day of September, 2006.

s/AARON E. GOODSTEIN
United States Magistrate Judge